

Clarke & Rice, APC
1010 Second Avenue, Ste. 1800
San Diego, California 92101
(619) 308-8484

Federal Defender Office
51 Sleeper Street, Fifth Floor
Boston, Massachusetts 02210
(617) 223-8061

February 13, 2014

Aloke Chakravarty
Nadine Pellegrini
William Weinreb
Assistant U.S. Attorneys
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210
Via email

Re: United States v. Dzhokhar Tsarnaev
Criminal No. 13-10200- GAO

Dear Counsel:

We received your cover letter of February 12, 2014 which indicates that one encrypted disk with bates number range DT-0030962 through DT-0031950 containing the autopsy reports for Krystle Marie Campbell, Lingzi Lu, Martin Richard and Sean Collier was enclosed. Your letter also indicated we would receive a password separately via email. As you know, we were able to figure out the password from earlier passwords we have received, but would appreciate in the future if you would send the correct password by email contemporaneously with the disks when delivered.

You note that these discovery documents are considered “sensitive” under the protective order. At the same time you decline production of copies of the autopsy photographs due to their “sensitive nature.” In a conversation with me this morning, Nadine Pellegrini both confirmed the likelihood of the government’s desire to introduce some of these photographs at trial, and your resistance to providing copies to us if we planned to show them to our client.

The protective order addresses the handling of “sensitive” discovery and, appropriately, does not preclude our client’s access to it. Rule 16(a)(1)(E) and (F) are clear that the defense is entitled to both inspect and copy photographs and the results of any physical or mental examination. We do not believe that making the photos available

only for inspection satisfies Rule 16. Given the shortened time frame under which we are working and a targeted November 2014 trial date, please consider this letter our continuing request for immediate production of color copies of the photographs.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Conrad', with a long horizontal flourish extending to the right.

Miriam Conrad
Timothy Watkins
William Fick
Judy Clarke

Counsel for Dzhokhar Tsarnaev